

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICHARD ELLO,

Plaintiff,

-v-

ISHRI SINGH, *et al.*,

Defendants.

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DATE FILED:	5/16/08

No. 05 Civ. 9625 (RJS)
ORDERRICHARD J. SULLIVAN, District Judge:

The Court is in receipt of a letter dated May 8, 2008 from Ruth M. Pollack, Esq., counsel for plaintiff Richard Ello, requesting leave of Court to be relieved as counsel in this case. As grounds for the application, Ms. Pollack cites "Plaintiff's failure to maintain communication with me at all times, to follow my counsel and his continued ignoring of my advice."

Ms. Pollack's application is denied without prejudice to renewal for failure to comply with Local Civil Rule 1.4 of the Local Rules of the United States District Courts for the Southern and Eastern District of New York. Local Rule 1.4 states:

An attorney who has appeared as attorney of record for a party may be relieved or displaced only by order of the court and may not withdraw from a case without leave of the court granted by order. Such an order may be granted only upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal or displacement and the posture of the case, including its position, if any, on the calendar.

Ms. Pollack has failed to submit such an affidavit or otherwise adequately demonstrate satisfactory reasons for her withdrawal, other than the brief reference in her letter. The letter also fails to indicate whether Ms. Pollack has served her client with notice of her request to withdraw, or whether her client has discharged her or agreed to her request that she withdraw as counsel. As such, Ms. Pollack's application is denied without prejudice to renewal. In the event

Ms. Pollack wishes to renew her application, she must make a formal motion, accompanied by an affidavit, explaining in detail the grounds for her request to be relieved as counsel for the plaintiff. *See Dangerfield v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*, No. 02 Civ. 2561 (KMW) (GWG), 2003 WL 22227956, at *4 (S.D.N.Y. Sept. 26, 2003) (reflecting court's earlier directive that attorney seeking order of withdrawal file a formal motion pursuant to Local Civil Rule 1.4). Ms. Pollack must also serve her client with a copy of that motion, and file proof of service with the Court.

Additionally, Ms. Pollack is again reminded that letters to the Court must be submitted directly to Chambers, and not filed on ECF.

The briefing schedule on the motions to dismiss set by the Court's May 7, 2008 Order remains unchanged.

SO ORDERED.

Dated: May 15, 2008
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE